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ATTORNEY DOCKET NO. FIRST NAMED INVENTOR CONFIRMATION NO. APPLICATION NO. FILING DATE 10/772,127 02/04/2004 Stephen W. Foss FOS 6080 P39 DIV 3 4285 EXAMINER 7590 03/23/2006 26486 PERKINS, SMITH & COHEN LLP SALVATORE, LYNDA ONE BEACON STREET ART UNIT PAPER NUMBER **30TH FLOOR** BOSTON, MA 02108 1771

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	1
Office Action Summary		10/772,127	FOSS, STEPHEN W.	
		Examiner	Art Unit	
		Lynda M. Salvatore	1771	
The Period for Rep	MAILING DATE of this communication app ply	ears on the cover sheet with the c	orrespondence address	
WHICHEVE - Extensions of after SIX (6) I - If NO period f - Failure to rep Any reply rec	ENED STATUTORY PERIOD FOR REPLY ER IS LONGER, FROM THE MAILING DAY IT IN THE MAILING DAY IT IN THE MONTHS IT	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. nely filed the mailing date of this communication (C) (35 U.S.C. § 133).	
Status				
1)⊠ Resp	onsive to communication(s) filed on 04 Fe	ebruary 2004.		
• —	· · · · · ·	action is non-final.		
-	e this application is in condition for allowar			s
close	d in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.	
Disposition of	Claims			
4)⊠ Claim	n(s) <u>1-6</u> is/are pending in the application.			
4a) O	f the above claim(s) is/are withdrav	wn from consideration.		
5)∐ Claim	n(s) is/are allowed.			
	n(s) <u>1-6</u> is/are rejected.			
• —	n(s) is/are objected to.			
8)∐ Claim	n(s) are subject to restriction and/or	r election requirement.		
Application Pa	pers	•		
9)∏ The s	pecification is objected to by the Examine	r.		
10)∐ The d	rawing(s) filed on is/are: a)☐ acce	epted or b) ☐ objected to by the	Examiner.	
Applic	cant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).	
•	cement drawing sheet(s) including the correct ath or declaration is objected to by the Ex		•	d).
Priority under	35 U.S.C. § 119			
12)☐ Ackno	owledgment is made of a claim for foreign b) Some * c) None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).	
1.	Certified copies of the priority documents	s have been received.		
2.	Certified copies of the priority documents	s have been received in Applicat	ion No	
3.	Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage	
	application from the International Bureau	, , , ,		
* See the	e attached detailed Office action for a list	of the certified copies not receive	∍d.	
Attachment(s)				
	eferences Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail D		
3) X Information	aftsperson's Patent Drawing Review (PTO-948) Disclosure Statement(s) (PTO-1449 or PTO/SB/08) /Mail Date 10/04/04.		Patent Application (PTO-152)	

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Kampf et al., US 4,904,523.

The patent issued to Kampf et al., teach a non-woven fabric comprising thermoplastic bicomponent binder fibers, which provide strength to fabric when heated (abstract, column 2, 31-50,column 3, 10-11, 34-50 and claim 20).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being obvious over Goodwin, US 4,350,732 in view of Carey, Jr., US 4,551,378.

The patent issued to Goodwin teaches a reinforcing laminate comprising an extruded tough core layer of ionomeric thermoplastic resin and at least one resin saturated fabric strengthening layer (abstract, column 2, 31-35 and column 3, 20-30). With regard to the

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limitations recited in claims 2 and 5, it is the position of the Examiner that since Goodwin teach an extruded thermoplastic core, the thermoplastic components must be miscible and mechanically compatible. With specific regard to claim 3, Goodwin teach a multilayer composite comprising two outer resin saturated fabric strengthening layers and a core of ionomeric resin (column 3, 20-30). With specific regard to the layer of tough thermoplastic resin, Goodwin teaches saturating or impregnating the fabric with various thermoplastic resins to form a stiff solid layer (claim 1). As such, the Examiner considers such a teaching sufficient to meet the limitation of providing a layer of tough thermoplastic resin. Suitable fabrics include melt-bonded non-wovens (column 2, 50-60). Goodwin teaches that the laminate is suitable for use as reinforcement in outdoor or military boots (abstract and column 3, 55-60).

Goodwin fails to teach a non-woven fabric made from bicomponent fibers, however, the patent issued to Carey, Jr., teaches a non-woven stretch fabric made from staple bicomponent fibers (abstract and column 4, 1-10). Carey, Jr., teaches a fiber denier ranging from .5-50 and lengths ranging from 1.5 to 5 cm (column 3, 64-column 4, 10). With specific regard to claim 4, 5cm equals 50 mm. Carey, Jr. teaches that the fabric exhibits good uniformity and good thermal insulating properties (abstract).

Therefore, motivated by the desire to provide an outdoor or military boot with good thermal insulating properties, it would have been obvious to one having ordinary skill in the art to form the reinforcing composite taught by Goodwin with the non-woven fabric with Carey, Jr.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 18, 2006

Ky der Jaliah

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